IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5327 OF 2005

M/s. Gayatri Co-op. Hsg. Soc. Ltd. and Ors. ... Petitioners
Versus
The City of Thane Municipal Corporation and Anr. ... Respondents

Mr. Ambar Joshi i/by Ms. Dipti B. Mistry for Petitioners.
Mr. R.S. Apte for R. No. 1.
Mr. R.D. Rane, Govt. Pleader for R. No. 2.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.
DATED : FEBRUARY 07, 2006

P.C.

. Considering the controversy, the petition can be disposed of by issuing directions to Respondent No. 1. The Petitioner contends that as per D.P. plan there is D.P. road and the present petition is for a relief to direct Respondent to complete the D.P. road. On behalf of the Respondent No. 1 their learned counsel makes a statement that there is an injunction in a suit against Respondent No. 1 filed by the owners of the structures existing on the land which contains about 17 tenements restraining them from demolishing the said structures. If that be the case, the only alternative for Respondent No. 1 would be either to settle the issue with the occupiers by private settlement or to

take steps to acquire the land under the provisions of the M.R.T.P. Act. In the light of that, the following order :

(1) Respondent No. 1 within eight weeks from today, if possible, to enter into settlement with the occupants of the tenements presently on the D.P. road and if there be a settlement, then to proceed to construct D.P. Road.

(2) If there is no settlement, then after the expiry of period of eight weeks from today, within eight weeks thereafter to write to the concerned Officers of Respondent No. 2 to take steps to acquire the land.

(3) The Respondent No. 2 and concerned Officers thereafter to take steps to compete the acquisition as early as possible . On the land being acquired and land vesting with Respondent No. 1, the road to be constructed within the period of one year thereafter.

. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)